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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,716	12/30/2003	Rajeev Prasad	MS#306037.02 (5091.1)	2116
38779 7590 09/04/2008 SENNIGER POWERS LLP (MSFT) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102			EXAMINER DANG, THANH HA T	
			ART UNIT 2163	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/748,716	Applicant(s) PRASAD ET AL.	
	Examiner Thanh-Ha Dang	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-3, 5-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3 and 5-25 are rejected in this Office Action.
2. Applicant cancelled Claim 4.
3. Claims 26-34 are non-elected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/28/08 has been entered.

Response to Amendment

5. Receipt of Applicant's Amendment filed 03/28/08 is acknowledged.

Election/Restrictions

6. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3 and 5-15; 16-20; and 21-25 drawn to organizing web log, classified in class 707, subclass 10.

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- II. Claims 26-34, drawn to profiling and tracking users' behavior, classified in class 715, subclass 745.

The inventions are distinct, each from the other because of the following reasons:

- Inventions I and II are related as subcombinations disclosed as usable together in a single combination.
- The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as organizing web log. Invention II has separate utility such as profiling and tracking users' behavior. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Robert M. Bain (RN 36,736) on 29 August 2008 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-3 and 5-25. In replying to this Office action applicant must make affirmation of this election. Claims 26-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Objections

7. Claim 1 is objected to because of the following informalities:

- Claim 1 recites on lines 3 and 6 "... web log data to be stored ..." wherein "to be" is not a positive limitation; and it is no clear whether "web log data to be stored" and "web log data prior to storing" reference to the same "web log data" regarding proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-12 and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US2002/0042821 issued to Muret et al. ("Muret"), and further in view of Pub. No. US2004/0243555 issued to Bolsius et al. ("Bolsius").

As to **Claims 1, 15, 16 and 21**, *Muret teaches* a method of organizing web log data prior to storing the web log data, said method comprising:

- accessing configuration information (*Figures 1 and 16, report request*) associated with web log data to be stored, said configuration information including at least one expression and defining a log cut interval (*Figure 6, page 5 [0094]; and page 15 [0257] wherein date range read on log cut interval limitation*);
- creating and opening a web log file (*page 1 [0008, wherein reading a log file by web servers read on opening the web log file limitation]; and page 3 [0064]*);
- receiving the web log data to be stored from a web server, said web log data including at least one condition associated therewith, said condition affecting storage of the received web log data, said received web log data being in a format defined by the web server (*Figures 6, 16 and 20, page 5 [0093]; and page 10 [0182] and [0184]*);

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- evaluating the expression from the accessed configuration information, said evaluation occurring based on the condition associated with the received web log data, wherein the expression specifies one or more operations for organizing the received web log data (*Figure 1, page 3 [0063-0064]*); and
- *Muret does not explicitly teach* storing at least a portion of the received web log data in the opened web log file in accordance with the expression evaluated based on the condition associated with the received web log data without modifying the format of the received web log data defined by the web server, wherein the opened web log file is closed and a new web log file is created and opened based on the log cut interval. However,

Bolsius teaches storing at least a portion of the received web log data in the opened web log file in accordance with the expression evaluated based on the condition associated with the received web log data without modifying the format of the received web log data defined by the web server, wherein the opened web log file is closed and a new web log file is created and opened based on the log cut interval (*page 1 [0004] wherein web servers maintain logs that constitute an audit trail that provides detailed information about the activities on a site that read on storing claimed limitation; wherein the data log file adheres to one of the standard log file formats that read on the received web log data without modifying the format claimed limitation*). Thus, it would

have been obvious to one of ordinary skill in the art at the time of the present invention to combine method for gathering timely information regarding the data in the web server log files teaching of Bolsius with method for monitoring and analyzing Internet traffic teaching of Muret to provide method and system allowing to monitor and to analyze Internet traffic that is efficient, completely automated, and fast enough to handle the busiest websites on the Internet (Muret [0007]).

As to **Claim 2**, *Muret in combination with Bolsius teaches* further comprising formatting the web log data in accordance with the accessed configuration information prior to storing the web log data (*Muret, Figures 1-2, 6, 16 and 20, page 5 [0093]; page 10 [0182]; and page 11 [0203-0204]*).

As to **Claim 3**, *Muret in combination with Bolsius teaches* wherein receiving the web log data comprises receiving clickstream web log data and the condition associated therewith from a web server (*Muret, Figure 17, page 5 [0094]; and page 11 [0191]*), and further comprising dividing the received clickstream web log data into a plurality of portions based on the expression evaluated based on the received condition (*Muret, Figures 5-6, 16 and 20, page 3 [0066]; and page 5 [0087] and [0094]*).

As to **Claim 5**, *Muret in combination with Bolsius teaches* further comprising receiving the configuration information from a user (*Muret, page 10 [0184]*).

As to **Claim 6**, *Muret in combination with Bolsius teaches* wherein accessing the configuration information comprises reading configuration information from a central hierarchical database (*Muret, Figure 1, page 2 [0050]; and page 3 [0059]*).

As to **Claim 7**, *Muret in combination with Bolsius teaches* further comprising maintaining a history of evaluated expressions to track a sequence of the evaluated expressions (*Muret, page 2 [0052]*).

As to **Claim 8**, *Muret in combination with Bolsius teaches* wherein the web log data is received from a computing device, and wherein maintaining the history comprises storing a cookie associated with the computing device, said cookie including the sequence of the evaluated expressions (*Muret, Figures 1-2 and 16, page 2 [0050-0053]*).

As to **Claim 9**, *Muret in combination with Bolsius teaches* wherein evaluating the expression comprises recursively evaluating portions of the expression using the condition (*Muret, page 15 [0249]*).

As to **Claim 10**, *Muret in combination with Bolsius teaches* wherein the web log data is received from a computing device and further comprising:

- authenticating the computing device (*Muret, Figures 16 and 18, page 10 [0182]; and page 11 [0195-0197]*); and
- opening a plurality of files to store the received web log data (*Muret, Figure 18, page 11 [0195]*).

As to **Claim 11**, *Muret in combination with Bolsius teaches* wherein storing the received web log data comprises:

- preparing column web log data responsive to the received web log data and the evaluated expression (*Muret, page 2 [0052]*); and
- storing the prepared column web log data in a file (*Muret, page 1 [0012]*).

As to **Claim 12**, *Muret in combination with Bolsius teaches* wherein evaluating the expression comprises:

- forwarding the received web log data to a filter component to evaluate the expression using the condition (*Muret, Figures 1, 6 and 16, page 5 [0094-0096]*); and
- receiving the evaluated expression from the filter component (*Muret, Figures 1, 6 and 16, page 5 [0094-0096]*).

As to **Claim 14**, *Muret in combination with Bolsius teaches* wherein said receiving the web log data and said evaluating the expression occur in real-time (*Muret, page 1 [0008]*).

As to **Claim 17**, *Muret in combination with Bolsius teaches* wherein the configuration component, when executed, creates structured web log data with enumerated values associated therewith based on the received configuration information (*Muret, page 3 [0062] and [0066]*).

As to **Claim 18**, *Muret in combination with Bolsius teaches* further comprising a helper component to parse the web log data received by the

interface component for use by the expression component (*Muret, Figures 3-4 and 16-17, page 3 [0065]; and page 4 [0079]*).

As to **Claim 19**, *Muret in combination with Bolsius teaches further comprising an authentication component to obtain user information associated with the web log data received by the interface component (Muret, Figures 1-2, 16 and 18, page 10 [0182]; and page 11 [0185]).*

As to **Claim 20**, *Muret in combination with Bolsius teaches further comprising a scheduling component to create a file for use by the storage component to store the received web log data (Muret, Figure 7 label 930 wherein time set read on scheduling limitation).*

As to **Claim 22**, *Muret in combination with Bolsius teaches further comprising a web server to generate the web log data (Muret, Abstract, Figure 1, page 2 [0051]).*

As to **Claim 23**, *Muret in combination with Bolsius teaches further comprising another computing device to receive the web log data from the web server (Muret, Figures 1, page 2 [0051]; and page 17 [0305]).*

As to **Claim 24**, *Muret in combination with Bolsius teaches further comprising another memory area to store the web log data in a plurality of files in accordance with the configuration information (Muret, Figure 1, page 4 [0073] and [0080]).*

As to **Claim 25**, *Muret in combination with Bolsius teaches wherein the computer storage medium stores computer-executable instructions to be executed on the computing device in real-time to receive the web log*

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data and to filter the received web log data prior to storage of the web log data by evaluating the expression using the received web log data (*Muret*, page 4 [0070]; page 10 [0172], [0174]).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US2002/0042821 issued to Muret et al. ("Muret"), and further in view of Pub. No. US2004/0243555 issued to Bolsius et al. ("Bolsius") as applied to Claim 1 above, and further in view of US Patent 5,819,094 issued to Sato et al. ("Sato").

As to Claim 13:

Muret in combination with Bolsius teaches all the elements of Claim 1 as stated above.

Muret in combination with Bolsius does not explicitly teach further comprising sampling the received web log data prior to storing the received web log data.

Sato teaches further comprising sampling the received web log data prior to storing the received web log data (*column 4, lines 31-34*). Thus, it would have been obvious to one of ordinary skill in the art at the time of the present invention to combine apparatus for log data collection and analysis teaching of Sato with method for gathering timely information regarding the data in the web server log files teaching of Bolsius and method for monitoring and analyzing Internet traffic teaching of Muret to provide an apparatus for log data collection and analysis that allows user to selectively collect log data for a desired section, and not to allow the log

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data to become too large and not to make the analysis too time-consuming (Sato, column 2 lines 22-24).

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon in form PTO-892 if any is considered pertinent to applicant's disclosure.

Response to Arguments

10. Applicant's arguments with respect to claims 1-3 and 5-25 have been considered but are moot in view of the new ground(s) of rejection.

- Applicant argues: Applicant states in paragraph 2 of page 11 that “Muret fails to teach or suggest “storing at least a portion of the received web log data in the opened web log file ... wherein the opened web log file is closed and a new web log file is created and opened based on the log cut interval” as recited in claim 1.

Examiner responds: Examiner is not persuaded. Bolsius teaches on page 1 [0004] wherein web servers maintain logs that constitute an audit trail that provides detailed information about the activities on a site that read on storing claimed limitation; wherein the data log file adheres to one of the standard log file formats that read on the received web log data without modifying the format claimed limitation. Therefore, Muret in combination with Bolsius teaches claim 1 and similar claims 16 and 21.

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner, AU 2163
August 29, 2008

/Wilson Lee/

Primary Examiner, Art Unit 2163